

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

A.O.A., et al.,)
)
Plaintiffs,)
)
v.) Case No. 4:11 CV 44 CDP
)
IRA L. RENNERT, et al.,)
)
Defendants.)

ORDER ADOPTING
REPORT AND RECOMMENDATION OF SPECIAL MASTER

Presently before me are Plaintiffs' objections to the Special Master's legal conclusion regarding privilege of inter-corporate communications between the various entities of the Renco corporate family.¹ Defendants have responded to Plaintiffs' objections and the matter is fully briefed for my consideration.

After conducting a *de novo* review of the Special Master's finding, including reading the briefs submitted to the Special Master as well as to this Court, I will adopt and sustain the finding as set forth in paragraph 6 of the January 5, 2018, Report and Recommendation (ECF #766), and specifically:

[T]he related Defendants have shared legal services without surrendering their separate corporate identities. Defendants each hold

¹ This Order addresses only paragraph 6 of the Special Master's Report and Recommendations entered January 5, 2018 (ECF #766). The remainder of the Report and Recommendations is not presently before me for review.

a privilege as to legal communications amongst them that cannot be waived without the consent of each Defendant involved in the communication.

In the circumstances of this case, the parent-subsidiary relationship between and amongst Renco and its subsidiaries gives rise to a joint/co-client relationship for the purpose of attorney-client privilege given their inherent common interest and shared counsel. Accordingly, as the Special Master found, each Defendant holds a privilege as to legal communications amongst them that cannot be waived without the consent of each Defendant involved in the communication.

With this legal question resolved, the Special Master shall proceed in his review to determine whether Defendants properly invoked the attorney-client privilege to the documents and communications that may remain at issue and subject to Plaintiffs' objections after this ruling.

Accordingly,

IT IS HEREBY ORDERED that that portion of paragraph 6 of the Report and Recommendations of the Special Master [766], as set out above, is **SUSTAINED and ADOPTED** over plaintiffs' objections, and the remainder of the Report and Recommendation is adopted without objection.

IT IS FURTHER ORDERED that the Special Master shall proceed in his review to determine whether Defendants properly invoked the attorney-client privilege to the documents and communications that may remain at issue and

subject to Plaintiffs' objections, and issue appropriate rulings based on his conclusions.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 6th day of February, 2018.